



STATE OF NEW JERSEY

In the Matter of Derek D. Dobol, Jr.,
Correctional Police Officer (S9988V),
Department of Corrections

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-1713

List Removal Appeal

ISSUED: MARCH 8, 2019 (SLK)

Derek D. Dobol, Jr. appeals his removal from the eligible list for Correctional Police Officer (S9988V), Department of Corrections on the basis that he possessed an unsatisfactory driving record.

The appellants took the open competitive examination for Correctional Police Officer (S9988V), which had a May 31, 2017 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant possessed an unsatisfactory driving history. Specifically, the appointing authority indicated that the appellant had 14 motor vehicle violations between April 2014 and March 2017 and its criteria for removal indicated that eight or more motor vehicle violations within seven years of the September 28, 2017 subject list promulgation would result in removal.

On appeal, the appellant states that as soon as he learned that his name had been removed from the list for an unsatisfactory driving record, he took a defensive driving course recognized by the Motor Vehicle Commission. He highlights that the course enabled points to be deducted from his driving record and it taught him how to be a safer and more responsible driver. The appellant asserts that he does not consider himself to be a dangerous driver. Instead, he believes that he experienced bad luck with tickets and other drivers. The appellant indicates that he now intends to drive in a manner where he will not receive any violations.

In response, the appointing authority presents that the appellant had 14 motor vehicle violations within seven years of the subject list promulgating. Further, while the appellant states that he completed a safe driving course in December 2018, he had 14 violations on his driver's abstract when he reported for pre-employment processing in October 2017.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. The Commission has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle violations reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant had 14 motor vehicle violations between April 2014 and March 2017. The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not he should remain eligible to be a Correctional Police Officer. These violations evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. To the contrary, the appellant has not taken responsibility for his past poor driving record by claiming the he received 14 motor vehicle violations due to "bad luck" and other drivers. While the Commission is mindful of the appellant's recent attempts to remedy his driving record, it is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560, 566 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). *See also In re Phillips*, 117 *N.J.* 567 (1990).

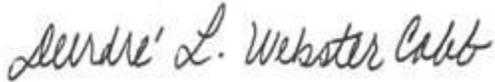
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correctional Police Officer (S9988V), Department of Corrections eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6th DAY OF MARCH, 2019



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